IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

District :

Misc. Civil Application No. 723 of 2004

Office Notes, Office Memoranda of Coram, appearances, Court orders or directions and Registrar's orders

Court's or Judge's orders

CORAM: C. L. PANGARKAR J.
Dated: 15th January, 2007.

Heard the learned counsel for respondent No.2 and the counsel for the petitioner. Application for restoration has already been dismissed against respondents 1 and 6. Counsel for rest of the respondents are absent. It is stated in the application for restoration that the matter was listed on additional board dated 28.10.04. The matter could not reach on that day and, therefore, it

was again called on 29.10.04 on which day the counsel for the petitioner was busy in another Court and as such could not remain present before the Court. The second Appeal was, therefore, dismissed. The cause that is given for absence is that the learned counsel was busy in another Court.

The learned counsel for the respondent No.2 contended that the petition could not be restored to file because of the fact that this application for restoration has been dismissed as against respondents 1 and 6. Even if the application is dismissed against respondents 1 and 6 that would not make any difference in as much as respondents if the appeal is restored to file, even the respondents 1 and 6 could be able to

contest the appeal. As such the appeal is restored to file.

JUDGE

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